IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21305 of 2002

Between:

1. J.Kiranmaye D/o. J. Basavaiah
minor rep., her natural father and guardian E.Srinivasarao
S/o.Bhupalaiah R/o.Satuluru, Nadendla mandal, Guntur District.

2. J. Anjaiah s/oKotaiah, aged about 85 years, R/o Mulpur Village, Amruthalur Mandal, Guntur District.

..... PETITIONERS

AND

1 Transmission Corporation of A.P., rep. By its Joint Managing Director (Rev. & HRD) Vidyuthsoudha, Hyderabad.
2 The Additional Secretary, Transmission Corporation of A.P.
Vidyuthsoudha, Hyderabazd.
3 The Superintending Engineer[TLC] Transmission Corporation of A.P.,
Cuddapah

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus declaring the memo No. DS [Estt] /AS[pen]/PO.I.JI/11/2002 dated 30.9.2002 of the 2nd respondent as arbitrary, illegal, for extraneous considerations and is contrary to the pension code and to issue a consequential direction to the respondents to pay the terminal benefits of Sri J. Basavaiah to the 1st petitioner forthwith.

Counsel for the Petitioner : MR.SUBBA RAO KORRAPATI

Counsel for the Respondent No.: MR.S.RAVINDRANATH, SC

The Court made the following :

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ORDER:

Heard the learned counsel appearing for the petitioner and also the learned Standing Counsel appearing on behalf of the respondents.

The first petitioner claims to be the adoptive daughter of the deceased J. Basavaiah and the second petitioner is the father of the said deceased J. Basavaiah, filed this Writ Petition seeking for Mandamus declaring the impugned proceedings dated 30.9.2002 of the second respondent as arbitrary wherein, the claim of the first petitioner was sought to be rejected for sanction of terminal benefits on the ground that she is not eligible to draw the terminal benefits of late Sir J. Basavaiah, as the adoption deed is not registered before the retirement of the deceased employee.

The case of the petitioner is that through a registered adoption deed dated 24.8.2000 the petitioner was adopted by the deceased J. Basavaiah, however, the same was not registered but subsequently adoption deed was registered on 26.8.2000 and the said J. Basavaiah died on 26.4.2002. Accordingly, a claim was made by the first petitioner for drawing the terminal benefits. Initially, certain objections were taken and the same were complied with by the petitioner. However, it is stated that under the impugned proceedings, the rejection is only on the ground that the adoption deed was registered subsequently.

Having heard the learned counsel on either side and also on perusal of the material, it is seen that admittedly, the deceased J. Basavaiah has nominated the

first petitioner in the nomination form submitted by the employer. Further, the first petitioner claims to be the adoptive daughter and the same is supported by the legal adoption deed dated 24.8.2000, which was registered on 26.8.2000. In view of the same and especially, having regard to the nominations, it is not necessary to go into the other objections or even objections raised in the impugned order. Therefore, the objections raised by the respondents are wholly unsustainable.

Accordingly, the Writ Petition is allowed and the respondents are directed to make payment of all terminal benefits of Sri J. Basavaiah in favour of the first petitioner viz., J. Kiranmaye. No costs.

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17.01.2005

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on Monday, The Seventeenth Day of January Two Thousand and Five.

To

1 Managing Director[Rev & HRD] Transmission Corporation of A.P., Joint Managing Director (Rev. & HRD)
Vidyuthsoudha, Hyderabad.
2 The Additional Secretary, Transmission Corporation of A.P., Vidyut Soudha Hyderabazd.
3 The Superintending Engineer[TLC] Transmission Corporation of A.P., Cuddapah

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